

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MONDO VALDEZ,

Plaintiff,

V.

WASHINGTON STATE  
PENITENTIARY, WASHINGTON  
CORRECTION CENTER, STAFFORD  
CREEK CORRECTION CENTER,  
MONROE CORRECTIONAL  
COMPLEX, and DEPARTMENT OF  
CORRECTIONS.

## Defendants.

NO. C10-5407 BHS/KLS

## ORDER DENYING MOTION FOR RECONSIDERATION

Before the court is Plaintiff's motion for reconsideration of the court's Order denying

Plaintiff's motion for the appointment of counsel. Dkt. 12. Having carefully reviewed the motion, and balance of the record, the court finds that the motion should be denied.

## DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the “absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court’s attention earlier with reasonable diligence.” Local Rule CR 7(h)(1).

Pursuant to CR 7(h)(2), a motion for reconsideration shall be filed within ten judicial days following the order to which it relates. The Order denying Plaintiff's motion for the

1 appointment of counsel was entered on September 9, 2010. Dkt. 12. Plaintiff's motion for  
2 reconsideration was filed on September 28, 2010<sup>1</sup>. Dkt. 14. Therefore, his motion for  
3 reconsideration is not timely and may be denied on that basis alone. In addition, Plaintiff has  
4 identified no error in the Court's Order, nor presented any new facts or legal authority that  
5 suggest reconsideration is appropriate.  
6

7 Plaintiff complains that he has been asked by the court to file an amended petition but  
8 he does not know what the court "want[s] him to do to correct it." Dkt. 14. The court advised  
9 Plaintiff of the deficiencies in his complaint and granted him leave to file an amended  
10 complaint. Dkt. 10. If individuals have violated Plaintiff's rights by assaulting him or taking  
11 his personal and legal property, then Plaintiff should be able to set forth in an amended  
12 complaint in plain language, the names of the individuals who hurt him, how they hurt him and  
13 when they hurt him. The appointment of counsel is not necessary for Plaintiff to set out a plain  
14 and short statement of his claims.  
15

16 Accordingly, it is **ORDERED**:

17 (1) Plaintiff's motion for reconsideration (Dkt. 14) is **DENIED**.  
18 (2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for  
19 Defendants.  
20

21 DATED this 6th day of October, 2010.  
22

23   
24 Karen L. Strombom  
United States Magistrate Judge  
25

26 <sup>1</sup> Plaintiff's letter is not dated, but was date-stamped by the Clerk as received on September 28, 2010.  
Dkt. 14.